

ROBERT K. PHILLIPS, ESQ.
Nevada Bar No. 11441
MEGAN E. WESSEL, ESQ.
Nevada Bar No. 14131
LATISHA ROBINSON, ESQ.
Nevada Bar No. 15314
PHILLIPS, SPALLAS & ANGSTADT LLC
504 South Ninth Street
Las Vegas, Nevada 89101
P: (702) 938-1510
E: rphillips@psalaw.net
mwessel@psalaw.net
lrobinson@psalaw.net

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELWIN BRODIE, individually,

Plaintiff,

vs.

WAL-MART STORES, INC.; DOES 1 through
100; and ROE CORPORATION 101 through
200, inclusive,

Defendant(s).

Case No.: 2:21-cv-00009-JCM-VCF

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

[SECOND REQUEST]

Plaintiff ELWIN BRODIE (hereinafter “Plaintiff”) and Defendant WAL-MART STORES, INC. (hereinafter “Defendant” or “Walmart”), by and through their respective counsel of record, do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in this matter for a period of sixty (60) days for the reasons explained herein.

Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the second such discovery extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
- The parties have filed all required documents pursuant to ECF 2 to date;
- Plaintiff has provided provider specific authorizations;
- Defendant has served written discovery to Plaintiff and Plaintiff has submitted timely responses;
- Deposition of Plaintiff;

DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

- Plaintiff serve Defendant written discovery;
- Depositions of Plaintiff's treating physicians;
- Depositions of fact witnesses;
- Disclosure of experts by both parties;
- Depositions of expert witnesses and rebuttal expert witnesses; and
- Plaintiff to notice Defendant's 30(b)(6) deposition.

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is appropriate, as the parties has agreed to allow Defendant to conduct the deposition of fact witness prior to the deadline for expert disclosures. As the deadline for expert disclosures is approaching, the parties have agreed that additional time would be required to attempt to settle this matter. Accordingly, the parties are discussing a possible settlement conference and have agreed to a 60-day discovery extension in order to negotiate and accommodate the same prior to incurring additional fees and cost on retaining experts.

The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

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~~PROPOSED~~ NEW DISCOVERY DEADLINES

Expert Disclosure Deadline:

Currently: September 24, 2021

Proposed: **November 23, 2021**

Rebuttal Expert Disclosure Deadline:

Currently: October 25, 2021

Proposed: **December 24, 2021**

Last Day to Amend Pleadings or Add Parties:

Currently: September 24, 2021

Proposed: **November 23, 2021**

Discovery Cut-Off Date:

Currently: December 21, 2021

Proposed: **February 18, 2022**

Dispositive Motion Deadline:

Currently: January 21, 2022

Proposed: **March 22, 2022**

Proposed Joint Pre-Trial Deadline:

Currently: February 20, 2022

Proposed: **April 21, 2022**

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 13th day of September, 2021.

BERNSTEIN & POISSON

/s/ Amber N. King

SCOTT L. POISSON, ESQ.

Nevada Bar No. 10188

AMBER N. KING, ESQ.

Nevada Bar No. 14070

320 S. Jones Blvd.

Las Vegas, NV 89107

Attorneys for Plaintiff

Elwin Brodie

DATED this 13th day of September, 2021.

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Latisha Robinson

ROBERT K. PHILLIPS, ESQ.

Nevada Bar No. 11441

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Nevada Bar No. 15314

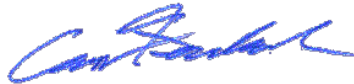
504 South Ninth Street

Las Vegas, NV 89101

Attorneys for Defendant

Wal-Mart Stores, Inc.

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

9-14-2021

DATED: _____

CERTIFICATE OF SERVICE

Pursuant to FRCP Rule 5, I hereby certify that I am an employee of the law firm PHILLIPS, SPALLAS & ANGSTADT, LLC, and that on this 13th day of September, 2021, I electronically served a copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES [SECOND REQUEST]** as follows:

☐ By facsimile addressed to the following counsel of record, at the address listed below;

☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ By Hand Delivery (ROC); and/or

☒ By Electronic Service through CM/ECF to:

| ATTORNEY OF RECORD | TELEPHONE/FAX | PARTY |
|--|--|-----------|
| SCOTT T. POISSON, ESQ. Nevada Bar No. 10188 AMBER N. KING, ESQ. Nevada Bar No. 14070 BERNSTEIN & POISSON 320 South Jones Las Vegas, Nevada 89107 | Phone 702-877-4878 Fax 702-256-6280 | Plaintiff |

/s/ Clarissa Reyes

An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC